

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

(1) Ivan Torres, an Oklahoma Resident §
and United States Citizen, §
 §
 §
 §
Plaintiff, §
 §
 §
vs. § Case No. 14-CV-552-JED-TLW
 §
 §
 §
(1) John F. Kerry, In his Official §
Capacity as Secretary of State of the §
United States, §
 §
 §
Defendant. §

SECOND AMENDED COMPLAINT

COMES NOW Plaintiff, pursuant to 8 U. S. C. § 1503(a), and files his Amended Complaint seeking Declaratory and Injunctive Relief. In support, Plaintiff states:

1. Plaintiff, Ivan Torres, is a resident of Wagoner County, State of Oklahoma, and a citizen of the United States of America.
2. Defendant, John F. Kerry, is the duly appointed and confirmed Secretary of State of the United States; and he is the official charged with granting and issuing passports, under 22 U. S. C. A. § 211(a).
3. Defendant maintains his offices as Secretary in the District of Columbia.
4. This is an action for declaratory judgment and injunctive relief pursuant to 28 U.S.C.A. § 2201 and 28 U.S.C.A. § 2202, and is brought for the purpose of determining a question of actual controversy between the parties as more fully appears below.
5. Jurisdiction of this action is based on 28 U.S.C.A. § 1331(a).
6. Venue lies in this Court under 28 U.S.C.A. § 1391(e).
7. On June 10, 2013, Plaintiff submitted his completed Application for a U.S. Passport to the Department of State.
8. On June 10, 2013 Plaintiff paid all applicable fees to obtain his passport, with an additional fee paid to have his application expedited.
9. The Department of State, on their web site, explains expected time with expedited service as "Our expedited service commitment is to process your passport application within 8 business

days from the time your application is received by a passport agency. This means you should receive your passport or denial letter within 3 weeks door-to-door."

<http://travel.state.gov/content/passports/english/passports/apply.html>.

10. Plaintiff also submitted substantial amounts of information and evidence as irrefutable evidence of his Identity and U.S. Citizenship.
11. Among other records, Plaintiff provided a copy of his Oklahoma Driver's License, his Social Security Card; his Selective Service Registration Card, a birth record, ordered and adjudged by the District Court of Tulsa County, State of Oklahoma, multiple DS-10 Birth Affidavit's, and early childhood medical and school records, all of which are identified by the Department of State as acceptable forms of evidence of U.S. Citizenship.
12. Plaintiff's application was assigned reference number 610032865.
13. After submitting his passport application and supporting documents, Plaintiff then applied for a "U.S. SENTRI Card."
14. After a background investigation and a personal interview of Plaintiff, the United States through its agency, U.S. Customs and Border Protection, concluded among other things, that Plaintiff is an United States citizen, and approved the issuance of a "SENTRI Card."
15. Then eighty-seven (87) days after submitting his passport application, the United States, Department of State, directly contrary to the U.S. Customs and Border Protection's position on Plaintiff's "SENTRI Card" application, in a letter dated September 5, 2013, indicated Plaintiff's *U.S. Citizenship evidence* was insufficient.
16. On September 23, 2013 Plaintiff was issued his "SENTRI Card," which clearly indicates that Plaintiff is a citizen of the United States of America.
17. Plaintiff provided a copy of his "SENTRI Card," to the U.S. Department of State as further proof that he is a citizen of the United States.
18. On September 18, 2014, after many months passed, Plaintiff filed this instant action.
19. On November 25, 2014 the U.S. Department of State issued a written denial.
20. Plaintiff was born in Tulsa, Oklahoma on October 9, 1988.
21. Plaintiff is a citizen of the United States and entitled to a passport.

WHEREFORE, Plaintiff prays for an order from this Court, directing Defendants to issue Plaintiff a U.S. Passport forthwith and to grant such other and further relief as it may deem necessary and proper, including attorney's fees and costs.

Respectfully Submitted,

By s/William D. Thomas
William D. Thomas, OBA 21554
THOMAS LAW FIRM, PLLC
1621 S. Harvard Ave.
Tulsa, Oklahoma 74112
918-289-0150 Phone
918-835-2125 Fax
E-Mail: doug@thomas-law.org
Attorney for Plaintiff